

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>BERTRAM EMEKEKWUE,</b>	:	<b>CIVIL ACTION NO. 1:12-cv-1503</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>IKE AGWUEGBO</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

Presently before the court is defendant Ike Agwuegbo's ("Agwuegbo") motion for sanctions (Doc. 13) pursuant to Federal Rule of Civil Procedure 11 and this court's inherent power to sanction, filed September 14, 2012, alleging plaintiff Bertram Emekekwue ("Emekekwue") committed perjury in certain affidavits submitted to the court. The motion has been fully briefed and is ripe for disposition.

The underlying cause of action is defamation. (See Doc. 6). On August 23, 2012, Agwuegbo filed a motion to dismiss for lack of jurisdiction claiming that Emekekwue does not reside in the Middle District of Pennsylvania. (Doc. 8). Agwuegbo asserts that in another action pending in this district, specifically, Civ. Action No. 1:11-cv-1747, Emekekwue made the following declaration: "I currently reside at 1425 Crooked Hill Road, P.O. Box 60883, Harrisburg, PA 17106. I previously resided at 2311 North Front Street, P.O. Box 60883 [sic] Harrisburg, PA 17106 from March 1, 2010 to August 29, 2011." (Doc. 14, at 2). Agwuegbo does not pinpoint the document number — there are twenty-seven documents filed in Civ.

Action No. 1:12-cv-1727 — to which he is referring. Agwuegbo argues that paragraph four of Emekekwue’s complaint in the case *sub judice*, which states, “Plaintiff Bertram Emekekwue is an adult individual residing at 2325 Locust Lane, Harrisburg, PA 17109 with a mailing address of 1425 Crooked Hill Road, P.O. Box 60883, Harrisburg, PA 17106. Plaintiff has resided at 2325 Locust Lane, Harrisburg, PA 17109 since June 2011 and has used the above mailing address for the purpose of guaranteeing receipt of U.S. mail[,]” (Doc. 6 ¶ 4), is directly inconsistent with the declaration of residence in his other action and therefore constitutes perjury. (Doc. 14, at 2-3). As this court explained in its November 2, 2012 memorandum and order, Emekekwue has presented sufficient evidence to show that he previously resided at 2311 North Front Street, Harrisburg, PA 17106, and currently resides at 2325 Locust Lane, Harrisburg, PA 17109, and has at all times maintained a P.O. Box at 1425 Crooked Hill Road, P.O. Box 60883, Harrisburg, Pa 17106. (See Memo. & Order, Nov. 2, 2012).

Federal Rule of Civil Procedure 11(b) states “By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person’s knowledge, information, and belief[]” that the document is not being submitted “for an improper purpose” and that the “claims [or] legal contentions are warranted . . . .” See Fed. R. Civ. Pro. 11(b)(1) & (2). If a court finds a violation of Rule 11(b), sanctions may be imposed. See Fed. R. Civ. Pro. 11(c).

Here, the court finds that there is no clear evidence of false statements and that any confusion as to Emekewue's proper residence has been resolved by the briefing submitted for the disposition of the previously pending motion to dismiss (Doc. 8). (See Doc. 17, Memo. & Order denying mot. to dismiss). Accordingly, the motion for sanctions, (Doc. 13), is DENIED.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

Dated: November 5, 2012